



Wichita Police Department Policy Manual

Approved by:

Policy 505- Business Property Regulation Affidavits

Page 1 of 1

Maintained by:
Field Services

Issue/Rev.: R 04-18-2011

- 505.01 A property affidavit shall be used to allow a property owner, manager, or properly designated agent to give a Wichita police officer the authority to enforce trespass and/or parking violations on the property. A Property Affidavit will be enforced whether or not the property owner or manager is present on premises.

Property Affidavits may be used only for property that abuts, or in the immediate vicinity of, arterial streets or main traffic ways, as designated in Sections 11.96.100 and 11.96.120 of the City Code.

- 505.02 The property owner, manager, or properly designated agent must be willing to appear in court, when subpoenaed, to provide testimony in regards to any arrest made or parking citation issued pursuant to the signed affidavit that pertains to his or her property.

- 505.03 A signed Affidavit will remain in effect for one (1) year, beginning March 1st of each year, unless the property owner, manager, or properly designated agent notifies the Chief of Police, in writing, of his or her desire to rescind the affidavit. All property affidavits must be renewed March 1st of each year.

- 505.04 To obtain a properly signed Affidavit, an officer shall:

- A. First ascertain whether the owner, manager, or properly designated agent wishes to have officers enforce both trespassing and parking violations or trespassing violations only.
 1. If the owner, manager, or properly designated agent wants to have only trespassing violations enforced, the officer shall have him or her fill out and sign a property affidavit [WPD form 321-018A].
 2. If the property owner, manager, or property designated agent desires to have both trespassing and parking violations enforced, the officer shall verify that the property is properly "signed" in accordance with Section 11.52.020 (27) (a) of the City Code. The sign[s] must be clearly marked and visibly indicate with lettering of at least 1.5" high and .5" wide, specifically indicating that "unauthorized parking is prohibited", and the sign(s) must also clearly and visibly indicate with lettering of at least 1" high and 3/8" wide that "unauthorized vehicles will be towed away at owner's expense".
- B. Ensure that the property owner, manager, or properly designated agent:
 1. Is informed that he or she may be subpoenaed to appear in court to testify about any arrest made or citation issued pursuant to his or her affidavit;
 2. Provides an address for service of process (this may be different than the property covered by the affidavit);
 3. Reads and signs the affidavit in the officer's presence.
- C. Sign (include I.D. number) the form as a witness, and place the date and time witnessed in the appropriate area.

- 505.05 Routing of completed, signed affidavits shall be as follows:

- A. Field supervisors shall route the original to the station clerk/officer, who shall make two copies.
 1. The station clerk/officer shall place one copy into the substation's property-affidavit file.
 2. The station clerk/officer shall give the second copy to the originating officer, who shall give it to the affiant.
 3. The station clerk/officer shall forward the original to the Records Bureau; where it will be kept in a file located in S.P.I.D.E.R.

- 505.06 To determine whether or not an affidavit is currently on file for a particular address, an officer should contact S.P.I.D.E.R. with an address to request a check to see if there is an affidavit on file for that property or business. S.P.I.D.E.R. can inform the officer of the information contained in the affidavit and what type of enforcement is specified.

- 505.07 If an Officer makes an arrest due to violations of an Affidavit which is properly signed and filed with S.P.I.D.E.R., a copy of this Affidavit will be attached to the officer's Incident/Arrest report.